

No. 12-6030

UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT

**FILED**  
***Feb 14, 2013***  
DEBORAH S. HUNT, Clerk

In re: BRIAN SCOTT BOTTOMS, )  
 ) ORDER  
Petitioner. )

Before: BOGGS and MOORE, Circuit Judges; FORESTER, District Judge.\*

Brian Scott Bottoms petitions this court for a writ of mandamus, asking the court to compel the district court to hold a preliminary hearing and a detention hearing and to rule on his motions to preserve evidence and dismiss his criminal complaint.

A criminal complaint was filed on June 6, 2012, alleging that Bottoms influenced, impeded, or retaliated against a federal official by threat. Bottoms then filed five pro se motions to establish a trial date, to preserve and produce evidence, to dismiss the complaint, to set a reasonable bond, and to supplement his motion to dismiss. The government moved to detain Bottoms.

The district court denied Bottoms's pro se motions because he was represented by court-appointed counsel. The district court also temporarily detained Bottoms, and his preliminary and detention hearings were held in abeyance pending a mental-health examination. The examination was completed, and the district court found Bottoms competent to stand trial. Thereafter, Bottoms waived a preliminary hearing, and he was released on his own recognizance. Thus, he has received all of the relief he requested in his mandamus petition.

\*The Honorable Karl S. Forester, Senior United States District Judge for the Eastern District of Kentucky, sitting by designation.

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The mandamus petition is **DISMISSED AS MOOT**.

ENTERED BY ORDER OF THE COURT

A handwritten signature in black ink, appearing to read "M. L. Hunt", is written above a horizontal line.

Clerk